

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
November 20, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00.m., Tuesday, November, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. William Parker, Public Information Officer, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

Chairman Burgett welcomed Mr. Shepperd to the Board of Supervisors.

HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He also introduced Mr. John Barr, Assistant Resident Engineer, to the Board.

Mr. Wiggins thanked VDOT for the repairs to Wolftrap Road and to the railroad tracks. He acknowledged VDOT's dilemma of prioritizing its work due to the lack of funding available from the State. He stated he felt the state needed to do much more to fund the highways along with drainage and secondary road considerations. He requested a meeting with VDOT representatives to discuss drainage problems in the York Point area.

Mr. Zarembo thanked VDOT for the recent paving in the Barlow Road area. He asked what VDOT's estimation was of the 2006 and 2007 celebrations and the impact on York County. He mentioned the widening of Interstate 64 and asked that VDOT keep the County informed of implications as a result of the work in those areas.

Mr. John Mazur, Assistant Resident Engineer, addressed the 2007 celebration, stating VDOT was waiting for a report from the 2007 Celebration Committee as to what the activities will consist of. As more is learned about the traffic needs, VDOT will adjust to make road improvements. There is a list of projects on the books in both James City County and York County that will help facilitate the improvements.

Mrs. Noll thanked Mr. Elliott for approving the flags at the intersections at Route 17 and Victory Boulevard. She mentioned a landscaping plan that the County would present for the area along

Victory Boulevard that would link both ends of the Kiln Creek Parkway, and she encouraged VDOT to approve the plan.

Mr. Shepperd commended a VDOT employee, Mr. Tim Morrison, of the Seaford office and stated he had done a great job. He asked for Mr. Mazur's recommendation on how citizens can learn about contacting VDOT and giving citizen input when there is a specific road situation.

Mr. Mazur explained that new citizens who have just moved into the County often do not know who to call. He explained VDOT attends various meetings to try and get the word out, such as meetings of the homeowner's associations.

Chairman Burgett noted the Board had received the paving scheduled, which was prepared using route numbers, and he stated he was able to identify the street names in his district.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed the Ms. Charlotte W. Tyeryar as a newly appointed member to the Senior Center of York Board, and presented her with a Boards and Commissions Handbook and a York County pin.

CLEAN BUSINESS AWARDS

Mr. Richard Wallsom, Chairman of the York County Beautification Committee, appeared to present the following businesses with the Clean Business Award for the 4th Quarter of 2001:

Lower County:	Racetrac #617
Middle County:	Autohaus
Upper County:	Uno's Chicago Bar & Grill

YORK COUNTY COOPERATIVE EXTENSION PROGRAM

Mr. Jim Orband, York County Extension Agent, gave a presentation on the Virginia Cooperative Extension Office. He introduced Liz Tragle, Chair of the York County Extension Leadership Council, and Prasanti Ganni, who also serves on the Leadership Council. His presentation identified the programs offered by the Extension Office which enhance the quality of life in York County. He noted that the volunteer staff included 344 citizens donating over 19,000 hours to the program. He encouraged citizens to utilize the extension office's services by attending classes or subscribing to Extension newsletters.

CITIZENS COMMENT PERIOD

Mr. Brad Berrane, President of the York County Business Association (YCBA), stated the Association had appointed a committee to study the possibility of putting flags up at some of the entrances to the County. He requested the help of the Board to enlist staff's assistance to provide the appropriate flags and a monument at the entrance of the County on Route 17 to reflect the County's patriotism. He stated the YCBA had asked its members, the Board of Supervisors, and other civic organizations to support the YCBA's efforts.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett indicated he had nothing to report at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reviewed the Board's calendar through the end of the year including the topics of discussion for the meetings and work sessions. He mentioned the breakfast meeting scheduled on December 3 at the Duke of York Restaurant with the State legislative delegation. He noted the real estate assessment notices were mailed recently from the County Assessor's Office. He explained that County staff is working with Wal-Mart, at the corner of Route 17 and Route 171, to see if flagpoles could be erected in that location; and, hopefully, the YCBA can be involved in that effort.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll reported that vehicle registrations in the Hampton Roads area far exceed the per capital registrations in the State of Virginia and in the United States. She stated this causes mass congestion, and some people and businesses had more cars than needed. She thanked all the citizens who worked the polls on election day, and she encouraged others to volunteer working the polls. Mrs. Noll then noted to citizens of Kentucky Farms that she is working with the Newport News School Administration regarding problems with Newport News buses using that area as a turn around.

Mr. Zaremba commented that the County was entering a budget cycle, and the information from the State is that there appears to be a billion dollar shortfall in the State coffers to meet the Fiscal Year 2003 requirements which means that localities will be asked to pick up where the State has fallen short. He indicated the Board needed to be very cautious before adding anything to the budget. He mentioned the Aviation 2003 World's Fair at the Newport News/Williamsburg Airport and his concern about impacts from the September 11 events, the economic downturn that the County has been in for the last twelve months, and the devastation that has occurred throughout the airline industry as a result of September 11. He asked Mr. McReynolds to keep the Board informed as to the circumstances to the Aviation 2003 World's Fair. He then welcomed Mr. Tom Shepperd to the Board of Supervisors.

Mr. Shepperd reported on activities of concern that took place at polling places in the recent election. He stated that access to the polls was blocked, a violation of both State and County codes. He stated citizens have a right to vote and to have access to the polls. He noted that many people were bothered that they were having trouble getting into the polls. He reminded those working the polls of the 40-foot rule, which was repeatedly violated.

Meeting Recessed. At 7:55 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:01 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS**TIDE MILL SEWER PROJECT**

Mr. Barnett made a presentation on proposed Resolution R01-196 to declare the necessity to enter upon and take certain easements in connection with the Tide Mill Sewer project.

Chairman Burgett called to order a public hearing on proposed Resolution R01-196 which was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE
TIDE MILL SEWER PROJECT

There being no one present who wished to speak concerning the subject Resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R01-196 which reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND
TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE TIDE MILL
SEWER PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Tide Mill sewer project; and

WHEREAS, for various reasons the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by McKim & Creed and appraisals of such interests have been prepared; and

WHEREAS, § 15.2-1905 E, Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Tide Mill sewer project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plats attached to the Report of the County Attorney dated October 23, 2001, and incorporated herein by this reference:

struction easement, as shown on a plat entitled "Plat of Easement from Cynthia Gale Cupp Rinehart, Trs., To: County of York, VA," dated March 30, 2001, prepared by McKim & Creed and designated as "Permanent Utility Easement Area 999.88 S.F.," and "Temporary Construction Easement Area 513.83 S.F." Value offered to Owner: \$800.00.

Tax Parcel 30-17-2-22

A permanent utility easement and a temporary construction easement, as shown on a plat entitled "Plat of Easement from David A. & Judith L. Fontana, To: County of York, VA," dated March 30, 2001, prepared by Precision Measurements, Inc. and designated as a "Permanent Utility Easement Area 874.72 S.F." and a "Temporary Construction Easement Area 1,304.31 S.F." Value offered to Owner: \$1,368.00.

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute certificates to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amounts set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

REDISTRICTING—2001

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on proposed Ordinance No. 01-21 to amend the York County Code to modify certain boundary lines between election districts, to modify certain precinct boundary lines, and to establish certain new polling places which are a result of the reapportionment of election districts subsequent to completion of the decennial U. S. Census. He explained there are two changes that need to be made in the ordinance: one to reflect a change in the State Code in that the Registrar is required to make notifications rather than the Secretary of the Electoral Board; and the second to eliminate the last sentence with the blank in it so that the effective date would be when the Board adopts the Ordinance. He stated Staff recommended adoption of proposed Ordinance No. 01-21(R).

Chairman Burgett then called to order a public hearing on proposed Ordinance No. 01-21(R) which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND CHAPTER 9, ELECTIONS, YORK COUNTY CODE, TO MODIFY CERTAIN BOUNDARY LINES BETWEEN ELECTION DISTRICTS, TO MODIFY CERTAIN PRECINCT BOUNDARY LINES, AND TO ESTABLISH CERTAIN NEW POLLING PLACES IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION OF VIRGINIA (1971) AND THE CODE OF VIRGINIA (1950), AS AMENDED, WHICH REQUIRE THE REAPPORTIONMENT OF ELECTION DISTRICTS SUBSEQUENT TO COMPLETION OF THE DECENNIAL U.S. CENSUS AND IN ACCORDANCE WITH THE POPULATION DISTRIBUTIONS EVIDENCED BY SAID CENSUS; AND PROVIDING FOR AN EFFECTIVE DATE

There being no one present who wished to speak concerning the subject Ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 01-21(R) which reads:

AN ORDINANCE TO AMEND CHAPTER 9, ELECTIONS, YORK COUNTY CODE, TO MODIFY CERTAIN BOUNDARY LINES BETWEEN ELECTION DISTRICTS, TO MODIFY CERTAIN PRECINCT BOUNDARY LINES, AND TO ESTABLISH CERTAIN NEW POLLING PLACES IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION OF VIRGINIA (1971) AND THE CODE OF VIRGINIA (1950), AS AMENDED, WHICH REQUIRE THE REAPPORTIONMENT OF ELECTION DISTRICTS SUBSEQUENT TO COMPLETION OF THE DECENNIAL U.S. CENSUS AND IN ACCORDANCE WITH THE POPULATION DISTRIBUTIONS EVIDENCED BY SAID CENSUS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the boundary lines of election districts, names of election districts, boundary lines of precincts, and precinct polling places were established by the York County Board of Supervisors by an ordinance adopted on April 18, 1991 entitled, "AN ORDINANCE TO AMEND CHAPTER 9, ELECTIONS, YORK COUNTY CODE, TO MODIFY CERTAIN BOUNDARY LINES BETWEEN ELECTION DISTRICTS, TO MODIFY CERTAIN PRECINCT BOUNDARY LINES, AND TO ESTABLISH CERTAIN NEW POLLING PLACES IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION OF VIRGINIA (1971) AND THE CODE OF VIRGINIA (1950), AS AMENDED, WHICH REQUIRE THE REAPPORTIONMENT OF ELECTION DISTRICTS SUBSEQUENT TO COMPLETION OF THE DECENNIAL U.S. CENSUS AND IN ACCORDANCE WITH THE POPULATION DISTRIBUTIONS EVIDENCED BY SAID CENSUS," which ordinance is set forth in Articles II and III of Chapter 9, York County Code; and

WHEREAS, the terms of the Constitution of Virginia (1971) and the Code of Virginia (1950), as amended, require that localities reapportion election districts subsequent to completion of the decennial U. S. Census and in accordance with the population distributions evidenced by said Census; and

WHEREAS, the 2000 U. S. Census indicated that significant population growth has occurred in certain areas of York County since the 1990 Census; and

WHEREAS, said population growth has caused the populations of the existing election districts to vary substantially; and

WHEREAS, in order to minimize the variation between district populations and "to give, as nearly as practicable, representation in proportion to the population of the district..." as required by the Constitution of Virginia (1971) and the Code of Virginia (1950), as amended, it is necessary to make certain adjustments in the existing election district boundary lines; and

WHEREAS, as a result of making such adjustments in the election district boundary lines it will also be necessary to make certain changes in precinct boundaries and precinct polling places; and

WHEREAS, such modifications are in accordance with the guidelines established in the Constitution of Virginia (1971) and the Code of Virginia (1950), as amended; and

WHEREAS, a public hearing has been held, pursuant to notice as required by law, to afford the public an opportunity to be heard with regard to the proposed modifications as set forth in this proposed ordinance;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 20th day of November, 2001, that Article II, Election Districts, and Article III, Precincts and Polling Places, of Chapter 9, Elections, York County Code, be and they are hereby, amended, modified and reordained to read and provide as follows:

Chapter 9

Elections

ARTICLE II. ELECTION DISTRICTS

Sec. 9-21. Established.

- (a) Pursuant to authority contained in the Code of Virginia (1950), as amended, section 15.2-1211 and section 24.2-304.1 through 24.2-310.1, election districts of York County, Virginia, are hereby created and established as set forth in this article. The boundaries of the respective election districts are as shown on the map entitled "York County Election Districts" dated, which map is incorporated into this article as fully as if set forth herein, a copy of which shall be kept permanently at the office of the county administrator.
- (b) The election districts, with populations set forth based on the United States Census of 1990, are as follows:

(1)	York County Election District No. 1	11,724
(2)	York County Election District No. 2	10,924
(3)	York County Election District No. 3	11,106
(4)	York County Election District No. 4	11,028
(5)	York County Election District No. 5	11,515

Sec. 9-21.1. Central absentee voter election precinct.

- (a) There is hereby established for the County a central absentee voter precinct for all general and special elections as defined by § 24.2-101, Code of Virginia. The polling place of the central absentee voter precinct shall be located in close proximity to the registrar's office.

- (b) The central absentee voter precinct shall conform in all aspects with § 24.2-712, Code of Virginia.

Sec. 9-22. District No. 1 boundaries.

The boundaries of York County Election District No. 1 shall be as set forth below:

Beginning at the common corner of Gloucester County, James City County, and York County, said point being at the centerline of the York River; first generally westerly and then generally southerly with the common boundary between York County and James City County to a point along Mooretown Road which is the common corner between the City of Williamsburg, James City County and York County; thence in a generally southerly, then easterly, then southerly direction with the common boundary of the City of Williamsburg and York County to a point in the centerline of Penniman Road, which is the common corner of James City County, York County and the City of Williamsburg; thence with the centerline of Penniman Road in an easterly and then southerly direction to its intersection with Oak Drive; thence with the centerline of Oak Drive in a southerly direction to its intersection with Government Road; thence with the centerline of Government Road and then the common boundary of York County and James City County in a southerly, then easterly, then southerly direction to the common corner between York County, James City County and the City of Newport News; thence in an easterly direction along the common boundary between York County and the City of Newport News to a point in the centerline of Route 238; thence in an easterly direction along the centerline of Route 238 and then the southern boundary line of the U. S. Naval Weapons Station property to its intersection with the Colonial Parkway; thence with the centerline of the Colonial Parkway in a southerly direction to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a southerly direction to its intersection with the southern boundary line of the Colonial National Historical Park property at York High School; thence with the southern boundary line of the Colonial National Historical Park property in a northeasterly direction to its intersection with Surrender Road; thence with the centerline of Surrender Road in a southeasterly direction to its intersection with Cook Road and Old York-Hampton Highway; thence with the centerline of Old York-Hampton Highway in a southeasterly direction to its intersection with Hornsbyville Road; thence with the centerline of Hornsbyville Road in a southeasterly direction to its intersection with Old Wormley Creek Road; thence with the centerline of Old Wormley Creek Road in a northeasterly direction to its intersection with Wormley Creek; thence with the centerline of Wormley Creek and its centerline extended in a northeasterly direction to the centerline of the York River; thence with the centerline of the York River in a northwesterly direction to the point of beginning.

Sec. 9-23. District No. 2 boundaries.

The boundaries of York County Election District No. 2 shall be as set forth below:

Beginning at a point on the centerline of Denbigh Boulevard where it crosses the headwaters of the Poquoson River; thence with the centerline of the headwaters of the Poquoson River and the Poquoson River in a southeasterly direction to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a southerly direction to its intersection with Route 134; thence with the centerline of Route 134 in a southeasterly direction to its intersection with Big Bethel Road; thence with the centerline of Big Bethel Road in a southerly direction to the northern boundary of the United States Air Force Bethel Manor military housing complex property, thence in a northeasterly direction along the boundary of the United States Air Force Bethel Manor mili-

tary housing complex property to its intersection with Route 134, thence with the centerline of Route 134 in an easterly direction to its intersection with First Avenue; thence in a southerly direction with the centerline of First Avenue to its intersection with 5th Avenue, thence in a westerly direction with the centerline of 5th Avenue to its intersection with 4th Avenue, thence in a westerly direction with the centerline of 4th Avenue to its intersection with Big Bethel Road; thence with the centerline of Big Bethel Road in a southerly direction to its intersection with the common boundary line between the City of Hampton and York County; thence in a westerly direction along the common boundary line between the City of Hampton and York County and then the common boundary line of the City of Newport News and York County to U. S. Route 17; thence in a northwesterly direction with the common boundary line between the City of Newport News and York County to its intersection with Denbigh Boulevard; thence with the centerline of Denbigh Boulevard in an easterly direction to the point of beginning.

Sec. 9-24. District No. 3 boundaries.

The boundaries of York County Election District No. 3 shall be as set forth below:

Beginning at a point in the centerline of the York River opposite the centerline of Wormley Creek extended; thence in a southerly direction with the centerline of Wormley Creek extended and the centerline of Wormley Creek to its intersection with Old Wormley Creek Road; thence with the centerline of Old Wormley Creek Road in a southerly direction to its intersection with Hornsbyville Road; thence with the centerline of Hornsbyville Road in a northwesterly direction to its intersection with Old York-Hampton Highway; thence with the centerline of Old York-Hampton Highway in a northwesterly direction to its intersection with Cook Road and Surrender Road; thence with the centerline of Surrender Road in a northwesterly direction to its intersection with the southern boundary line of the Colonial National Historical Park; thence with the southern boundary line of the Colonial National Historical Park in a southwesterly direction to its intersection with U. S. Route 17; thence with the centerline of Route 17 in a northerly direction to its intersection with the Colonial Parkway; thence with the centerline of the Colonial Parkway in a northwesterly direction to its intersection with the southern boundary of the U.S. Naval Weapons Station property; thence, with the southern boundary of the U.S. Naval Weapons Station property in a westerly direction to its intersection with Route 238; thence with the centerline of Route 238 in a westerly direction to its intersection with the common boundary between York County and Newport News; thence with the common boundary between York County and the City of Newport News in a southeasterly direction to its intersection with the Denbigh Boulevard, thence with the centerline of Denbigh Boulevard in an easterly direction to its intersection with the headwaters of the Poquoson River; thence with the centerline of the headwaters of the Poquoson River in a southeasterly direction to its intersection with Oriana Road; thence with the centerline of Oriana Road in an easterly direction to its intersection with Burts Road; thence with the centerline of Burts Road in a northerly direction to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a northerly direction to its intersection with Wolf Trap Road; thence with the centerline of Wolf Trap Road in an easterly and northeasterly direction to its intersection with the headwaters of Chisman Creek; thence with the headwaters of Chisman Creek in an easterly direction to its intersection with the centerline of Chisman Creek; thence with the centerline of Chisman Creek in an easterly direction and then southeasterly direction to its intersection with the centerline of the Poquoson River; thence with the centerline and centerline extended of the Poquoson River in a northerly direc-

tion to the centerline of the York River; thence with the centerline of the York River in a westerly direction to the point of beginning.

Sec. 9-25. District No. 4 boundaries.

The boundaries of York County Election District No. 4 shall be as set forth below:

Beginning at a point in the centerline of the Poquoson River opposite the centerline of Chisman Creek extended; thence in a northwesterly and then southwesterly direction with the centerline of Chisman Creek and its headwaters to a point where it intersects with the centerline of Wolf Trap Road; thence in a southwesterly and westerly direction with the centerline of Wolf Trap Road to its intersection with U. S. Route 17; thence in a southerly direction with the centerline of U. S. Route 17 to its intersection with Burts Road; thence in a southerly direction with the centerline of Burts Road to its intersection with Oriana Road; thence with the centerline of Oriana Road in a westerly direction to a point where it intersects the headwaters of the Poquoson River; thence with the headwaters of the Poquoson River in a southeasterly direction to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a southerly direction to its intersection with Route 134; thence in a southeasterly direction with the centerline of Route 134 to its intersection with Victory Boulevard; thence in an easterly direction with the centerline of Victory Boulevard to its intersection with Big Bethel Road; thence in a northerly direction with the centerline of Big Bethel Road to its intersection with Yorktown Road; thence with the centerline of Yorktown Road in an easterly direction to its intersection with the headwaters of Moores Creek; thence in a northerly direction with the headwaters of Moores Creek and the centerline of Moores Creek to its intersection with the centerline of the Poquoson River; thence with the centerline of the Poquoson River in a northerly direction to the point of beginning.

Sec. 9-26. District No. 5 boundaries.

The boundaries of York County Election District No. 5 shall be as set forth below:

Beginning at a point in the centerline of the Poquoson River opposite the mouth of Chisman Creek; thence continuing with the centerline of the Poquoson River in a southwesterly direction to a point where the centerline of the Poquoson River intersects the centerline of Moores Creek; thence with the centerline of Moores Creek and the headwaters of Moores Creek in a southerly direction to a point in the centerline of Yorktown Road; thence with the centerline of Yorktown Road in a westerly direction to its intersection with Big Bethel Road; thence with the centerline of Big Bethel Road in a southerly direction to its intersection with Route 171; thence with the centerline of Victory Boulevard in a westerly direction to its intersection with Route 134; thence with the centerline of Route 134 in a southeasterly direction to its intersection with Big Bethel Road; thence with the centerline of Big Bethel Road in a southerly direction to its intersection with the northern boundary of the United States Air Force Bethel Manor military housing complex property, thence in a northeasterly direction along the boundary of the United States Air Force Bethel Manor military housing complex property to its intersection with Route 134, thence with the centerline of Route 134 in an easterly direction to its intersection with First Avenue; thence with the centerline of First Avenue in a southerly direction to its intersection with 5th Avenue, thence in a westerly direction with the centerline of 5th Avenue to its intersection with 4th Avenue, thence in a westerly direction with the centerline of 4th Avenue to its intersection with Big Bethel Road thence with the centerline of Big Bethel Road in a southerly direction to its intersection with the common boundary line between the City of Hampton and York County;

thence in an easterly direction with the common boundary of the City of Hampton and York County to a point in Brick Kiln Creek, said point being the common corner between the City of Poquoson, York County, and the City of Hampton; thence in a northwesterly direction with the common boundary line between the City of Poquoson and York County to the point of beginning.

Sec. 9-27. One supervisor to be elected from each district; magisterial districts to remain the same; election districts constitute school districts.

- (a) One supervisor shall be elected from each election district created by this article.
- (b) The existing magisterial districts of the county shall remain the same, but representation on the board of supervisors shall be by election districts as set forth in this article.
- (c) The election districts shall also constitute school districts as prescribed by sections 22.1-36 and 22.1-44, Code of Virginia (1950), as amended.

Secs. 9-28—9-37. Reserved.

ARTICLE III. PRECINCTS AND POLLING PLACES

Sec. 9-38. Precincts established.

- (a) Pursuant to authority contained in the Code of Virginia (1950), as amended, sections 24.2-307 through 24.2-310.1, the precincts and their respective polling places for York County, Virginia are hereby created and established as set forth in this article.
- (b) The precincts for each election district and the polling places for each precinct shall be as set forth below:

Precinct

Polling Place

York County Election District No. 1

Waller Mill
Queens Lake
Magruder
Yorktown

Waller Mill Elementary School
Queens Lake Middle School
Griffin-Yeates Center
York High School

York County Election District No. 2

Kiln Creek
Coventry

York County Library-Tabb
Coventry Elementary School

York County Election District No. 3

Edgehill
Harris Grove
Seaford

Yorktown Elementary School
York County General Services Building
Seaford Elementary School

York County Election District No. 4

Dare

Dare Elementary School

Harwoods Mill

Grafton-Bethel Elementary School

York County Election District No. 5Bethel
TabbTabb Elementary School
Tabb High School**Sec. 9-39. District No. 1 precinct boundaries.**

The boundaries of the respective precincts of York County Election District No. 1 shall be as set forth below:

Waller Mill Precinct

Beginning at a point in the York River at the common corner between James City County, York County and Gloucester County, said point being the centerline of the York River; first generally westerly, then generally southerly with the common boundary line between York County and James City County to a point along Mooretown Road which is the common corner between James City County, the City of Williamsburg and York County; thence in a generally southerly and then easterly direction with the common boundary line between the City of Williamsburg and York County to the centerline of Queen Creek; thence with the centerline of Queen Creek as it meanders in a north-easterly direction to the centerline of the York River; thence with the centerline of the York River in a northwesterly direction to the point of beginning.

Queens Lake Precinct

Beginning at a point where the centerline of Queen Creek intersects the common boundary line between York County and the City of Williamsburg; thence in a southerly direction with the common boundary of the City of Williamsburg and York County to a point in the centerline of Penniman Road, which is the common corner of James City County, York County and the City of Williamsburg; thence with the centerline of Penniman Road in an easterly and then southerly direction to its intersection with Hubbard Lane; thence with the centerline of Hubbard Lane in a northerly direction to its intersection with the Colonial Parkway; thence with the centerline of the Colonial Parkway in an easterly direction to its intersection with Jones Run and the eastern boundary of New Quarter Park; thence in northeasterly direction with Jones Run and the eastern boundary New Quarter Park to the centerline of Queen Creek; thence with the centerline of Queen Creek in a westerly direction to the point of beginning.

Magruder Precinct

Beginning at a point in the common boundary line between York County and Gloucester County in the center of the York River, said point being opposite the mouth of Queen Creek; thence in a straight line in a southerly direction along the centerline of Queen Creek to its intersection with the eastern boundary of New Quarter Park and the centerline of Jones Run; thence in a southwesterly direction along the eastern boundary of New Quarter Park and Jones Run to the centerline of the Colonial Parkway; thence with the centerline of the Colonial Parkway in a westerly direction to its intersection with Hubbard Lane; thence with the centerline of Hubbard lane in a southerly direction to its intersection with Penniman Road; thence with the centerline of Penniman Road in an easterly and then southerly direction to its intersection with Oak Drive; thence with the centerline of Oak Drive in a southerly direction to its intersection with Government

Road; thence with the centerline of Government Road and then the common boundary of York County and James City County in a southerly, then easterly, then southerly direction to the common corner between York County, James City County and the City of Newport News; thence in an easterly direction along the common boundary between York County and the City of Newport News to a point in the centerline of Route 238; thence in an easterly direction along the centerline of Route 238 and then with the southern boundary line of the U. S. Naval Weapons Station property to the Colonial Parkway and then extending in a straight line to the centerline of the York River; thence with the centerline of the York River in a northwesterly direction to the point of beginning.

Yorktown Precinct

Beginning at a point on the centerline of the York River opposite the southern boundary line of the U. S. Naval Weapons Station property; thence in a southwesterly direction in a straight line to the shoreline and an intersection with the Colonial Parkway; thence in a southeasterly direction with the Colonial Parkway to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a southerly direction to its intersection with the southern boundary line of the Colonial National Historical Park at York High School; thence with the southern boundary line of the Colonial National Historical Park in a northeasterly direction to its intersection with Surrender Road; thence with the centerline of Surrender Road in an easterly direction to its intersection with Cook Road and Old York-Hampton Highway; thence with the centerline of Old York-Hampton Highway in a southeasterly direction to its intersection with Hornsbyville Road; thence with the centerline of Hornsbyville Road in a southeasterly direction to its intersection with Old Wormley Creek Road; thence with the centerline of Old Wormley Creek Road in a northeasterly direction to its intersection with Wormley Creek; thence with the centerline of Wormley Creek and its centerline extended in a northeasterly direction to the centerline of the York River; thence with the centerline of the York River in a northwesterly direction to the point of beginning.

Sec. 9-40. District No. 2 precinct boundaries.

The boundaries of the respective precincts of York County Election District No. 2 shall be as set forth below:

Kiln Creek Precinct

Beginning at a point in the centerline of Denbigh Boulevard where it intersects the common boundary line between York County and the City of Newport News; thence in a northeasterly direction with the centerline of Denbigh Boulevard to its intersection with the headwaters of the Poquoson River; thence with the headwaters of the Poquoson River in a southeasterly direction to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a southerly direction to its intersection with the common boundary between the City of Newport News and York County; thence in a northwesterly direction along the common boundary line between the City of Newport News and York County to the point of beginning.

Coventry Precinct

Beginning at a point where the centerlines of Route 17 and Route 134 intersect; thence in southeasterly direction with the centerline of Route 134 to its intersection with Big

Bethel Road; thence with the centerline of Big Bethel Road in a southerly direction to the northern boundary of the United States Air Force Bethel Manor military housing complex property, thence in a northeasterly direction along the boundary of the United States Air Force Bethel Manor military housing complex property to its intersection with Route 134, thence with the centerline of Route 134 in an easterly direction to its intersection with First Avenue; thence in a southerly direction with the centerline of First Avenue to its intersection with 5th Avenue, thence in a westerly direction with the centerline of 5th Avenue to its intersection with 4th Avenue, thence in a westerly direction with the centerline of 4th Avenue to its intersection with Big Bethel Road; thence with the centerline of Big Bethel Road in a southerly direction to its intersection with the common boundary line between the City of Hampton and York County; thence in a westerly direction along the common boundary line between the City of Hampton and York County and then the common boundary line of the City of Newport News and York County to U. S. Route 17; thence in a northerly direction with the centerline of Route 17 to the point of beginning.

Sec. 9-41. District No. 3 precinct boundaries.

The boundaries of the respective precincts of York County Election District No. 3 shall be as set forth below:

Edgehill Precinct

Beginning at a point where the centerlines of U.S. Route 17 and the Colonial Parkway intersect; thence with the centerline of the Colonial Parkway in a northwesterly direction to its intersection with the southern boundary of the U.S. Naval Weapons Station property; thence, with the southern boundary of the U.S. Naval Weapons Station property in a westerly direction to its intersection with Route 238; thence with the centerline of Route 238 in a westerly direction to its intersection with the common boundary between York County and the City of Newport News; thence with the common boundary between York County and the City of Newport News in a southeasterly direction to its intersection with the Denbigh Boulevard, thence with the centerline of Denbigh Boulevard in an easterly direction to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a northerly direction to its intersection with the Colonial Parkway and the point of beginning.

Harris Grove Precinct

Beginning at a point in the centerline of the York River opposite the centerline of Wormley Creek extended; thence in a southerly direction with the centerline of Wormley Creek extended and the centerline of Wormley Creek to its intersection with Old Wormley Creek Road; thence with the centerline of Old Wormley Creek Road in a southerly direction to its intersection with Hornsbyville Road; thence with the centerline of Hornsbyville Road in a northwesterly direction to its intersection with Old York-Hampton Highway; thence with the centerline of Old York-Hampton Highway in a northwesterly direction to its intersection with Cook Road and Surrender Road; thence with the centerline of Surrender Road in a northwesterly direction to its intersection with the southern boundary line of the Colonial National Historical Park property; thence with the southern boundary line of the Colonial National Historical Park property in a southwesterly direction to its intersection with U. S. Route 17; thence with the centerline of U.S. Route 17 in a southerly direction to its intersection with Denbigh Boulevard; thence with the centerline of Denbigh Boulevard in a southwesterly direction to a point where it intersects the headwaters of the Poquoson River; thence with

the centerline of the headwaters of the Poquoson River in a southeasterly direction to its intersection with Oriana Road; thence with the centerline of Oriana Road in an easterly direction to its intersection with Burts Road; thence with the centerline of Burts Road in a northerly direction to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a northerly direction to its intersection with Wolf Trap Road; thence with the centerline of Wolf Trap Road in a northerly and then northeasterly direction to its intersection with Goodwin Neck Road; thence with the centerline of Goodwin Neck Road in a northeasterly direction to a point where it intersects the headwaters of Back Creek; thence with the centerline of the headwaters of Back Creek and the centerline of Back Creek in an easterly direction to its intersection with the centerline of the Poquoson River; thence with the centerline and centerline extended of the Poquoson River in a northerly direction to the centerline of the York River; thence with the centerline of the York River in a westerly direction to the point of beginning.

Seaford Precinct

Beginning at a point in the centerline of Goodwin Neck Road at its intersection with Wolf Trap Road; thence with the centerline of Goodwin Neck Road in a northeasterly direction to its intersection with Back Creek; thence with the centerline of Back Creek in a northeasterly direction to a point in the centerline of the Poquoson River; thence with the centerline of the Poquoson River in a southerly direction to a point opposite the mouth of Chisman Creek; thence with the centerline of Chisman Creek in a westerly direction to its intersection with the centerline of Wolf Trap Road; thence with the centerline of Wolf Trap Road in a northwesterly direction to the point of beginning.

Sec. 9-42. District No. 4 precinct boundaries.

The boundaries of the respective precincts of York County Election District No. 4 shall be as set forth below:

Dare Precinct

Beginning at a point in the centerline of the Poquoson River opposite the centerline of Chisman Creek extended; thence in a northwesterly and then southwesterly direction with the centerline of Chisman Creek and its headwaters to a point where it intersects with the centerline of Wolf Trap Road; thence in a southerly and southwesterly direction with the centerline of Wolf Trap Road to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a southerly direction to its intersection with Burts Road; thence with the centerline of Burts Road in a southerly direction to its intersection with Oriana Road; thence with the centerline of Oriana Road in an easterly direction to its intersection with U. S. Route 17 and Lakeside Drive; thence with the centerline of Lakeside Drive in an easterly and then northeasterly direction to its intersection with Dare Road; thence in an easterly direction with the centerline of Dare Road to a point where it intersects the headwaters of Patricks Creek; thence with the headwaters of Patricks Creek and the centerline of Patricks Creek in a southerly and then southeasterly direction to its intersection with the centerline of the Poquoson River; thence with the centerline of the Poquoson River in a northeasterly direction to the point of beginning.

Harwoods Mill Precinct

Beginning at a point in the centerline of the Poquoson River opposite the centerline extended of Patricks Creek; thence with the centerline extended and the centerline of Pa-

tricks Creek and its headwaters in a northwesterly and then northerly direction to its intersection with Dare Road; then with the centerline of Dare Road in a westerly direction to its intersection with Lakeside Drive; thence with the centerline of Lakeside Drive in a southwesterly direction to its intersection with U. S. Route 17 and Oriana Road; thence with the centerline of Oriana Road in a westerly direction to its intersection with the headwaters of the Poquoson River; thence with the headwaters of the Poquoson River in a southeasterly direction to its intersection with U. S. Route 17; thence with the centerline of U. S. Route 17 in a southerly direction to its intersection with Route 134; thence in a southeasterly direction with the centerline of Route 134 to its intersection with Victory Boulevard; thence in an easterly direction with the centerline of Victory Boulevard to its intersection with Big Bethel Road; thence in a northerly direction with the centerline of Big Bethel Road to its intersection with Yorktown Road; thence with the centerline of Yorktown Road to its intersection with the headwaters of Moores Creek; thence in a northerly direction with the headwaters of Moores Creek and the centerline of Moores Creek to its intersection with the centerline of the Poquoson River; thence with the centerline of the Poquoson River in a northerly direction to the point of beginning.

Sec. 9-43. District No. 5 precinct boundaries.

The boundaries of the precinct of York County Election District No. 5 shall be as set forth below:

Bethel Precinct

Beginning at a point in the centerline of Victory Boulevard at the common boundary line between the City of Poquoson and York County; thence with the centerline of Victory Boulevard in a westerly direction to its intersection with Running Man Trail; thence with the centerline of Running Man Trail in a southerly and then westerly direction to its intersection with Big Bethel Road; thence with the centerline of Big Bethel Road in a southerly direction to the northern boundary of the United States Air Force Bethel Manor military housing complex property, thence in a northeasterly direction along the boundary of the United States Air Force Bethel Manor military housing complex property to its intersection with Route 134, thence with the centerline of Route 134 in an easterly direction to its intersection with First Avenue; thence in a southerly direction with the centerline of First Avenue to its intersection with 5th Avenue, thence in a westerly direction with the centerline of 5th Avenue to its intersection with 4th Avenue, thence in a westerly direction with the centerline of 4th Avenue to its intersection with Big Bethel Road; thence with the centerline of Big Bethel Road in a southerly direction to its intersection with the common boundary line between the City of Hampton and York County; thence in an easterly direction with the common boundary of the City of Hampton and York County to a point in Brick Kiln Creek, said point being the common corner between the City of Poquoson, York County, and the City of Hampton; thence in a northerly direction with the common boundary line between the City of Poquoson and York County to the point of beginning.

Tabb Precinct

Beginning at a point in the centerline of the Poquoson River opposite the mouth of Chisman Creek; thence continuing with the centerline of the Poquoson River in a southwesterly direction to a point where the centerline of the Poquoson River intersects the centerline of Moores Creek; thence with the centerline of Moores Creek and the headwaters of Moores Creek in a southerly direction to a point in the centerline of Yorktown Road; thence with the centerline of Yorktown Road in a westerly direction to its in-

tersection with Big Bethel Road; thence with the centerline of Big Bethel Road in a southerly direction to its intersection with Victory Boulevard ; thence with the centerline of Victory Boulevard in a westerly direction to its intersection with Route 134; thence with the centerline of Route 134 in a southeasterly direction to its intersection with Big Bethel Road; thence with the centerline of Big Bethel Road in a northerly direction to its intersection with Running Man Trail; thence in an easterly and then northerly direction with the centerline of Running Man Trail to its intersection with Victory Boulevard; thence with the centerline of Victory Boulevard in an easterly direction to the common boundary line between the City of Poquoson and York County; thence in a northerly direction with the common boundary line between the City of Poquoson and York County to the point of beginning.

Sec. 9-44. Registered voters to be notified of changes in precincts or polling places.

The Registrar shall notify by mail, no later than fifteen (15) days prior to the next general, special, or primary election, all registered voters whose precinct and/or polling place has been changed by the provisions of this article.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

APPLICATION NO. UP-582-01, KENNETH DALE MOORE

Mr. Carter made a video presentation on proposed Application No. UP-582-01 to consider adoption of proposed Resolution R01-189 to approve a special use permit for the construction of a 199-foot monopole communications tower located at 220 Redoubt Road. He stated that the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-189.

Mr. Zaremba asked about the purpose of the tower that is currently on that location.

Mr. Carter pointed out that the current tower was used for cellular communications and that the demand from new providers has reached the point that there is sufficient demand to erect a new tower. The current tower is at its maximum capacity and cannot accommodate any additional users.

Chairman Burgett called to order a public hearing on Application No. UP-582-01 which was duly advertised as required by law. Proposed Resolution R01-189 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE CONSTRUCTION AND MAINTENANCE OF A 199-FOOT SELF-SUPPORTING MONOPOLE COMMUNICATIONS TOWER AND ASSOCIATED EQUIPMENT AT 229 REDOUBT ROAD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R01-189 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHOR-
IZE THE CONSTRUCTION AND MAINTENANCE OF A 199-FOOT
SELF-SUPPORTING MONOPOLE COMMUNICATIONS TOWER AND
ASSOCIATED EQUIPMENT AT 229 REDOUBT ROAD

WHEREAS, Kenneth Dale Moore has submitted Application No. UP-582-01, which requests a special use permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance to authorize construction and maintenance of a 199-foot freestanding monopole communications tower with associated equipment on the parcel located at 229 Redoubt Road (Victory Industrial Park) and further identified as Assessor's Parcel No. 24 (60)-28; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the comments of the public with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that Application No. UP-582-01 be, and it is hereby, approved subject to the following conditions:

1. This use permit shall authorize the construction and maintenance of a 199-foot free-standing monopole communications tower with associated equipment at 229 Redoubt Road (Victory Industrial Park) and is further identified as Assessor's Parcel No. 24 (60)-28.
2. The applicant shall comply with all performance standards specified in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
3. A site plan prepared in accordance with Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant a copy of which is located in the application files for this request maintained by the York County Department of Environmental and Development Services. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.

4. The applicant must submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
5. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
6. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
7. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
8. As part of the site plan submittal, a landscape plan shall be included which is consistent with Section 24.1-242 of the Zoning Ordinance. The base of the tower, including related equipment, shall be screened from view utilizing evergreen planting material deemed acceptable to the County.
9. If at any time use of the tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases.
 - (2) The county requests, in writing, that the tower be reserved for county use.
10. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
11. Evidence shall be provided prior to the receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed at the above location.
12. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County.
13. The communication tower shall have a galvanized finish that is gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting

shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted and approved by the County.

14. No microwave dishes, conical shaped antennae, or other dish over three feet (3') in diameter shall be permitted on the tower without approval of the York County Board of Supervisors by resolution.
15. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.
16. Significant modifications to a previously approved communications tower as determined by the Zoning Administrator shall require that a new use permit application be submitted for review in accordance with the provisions of this section. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

APPLICATION NO. UP-583-01, IYOBOSA ASSOCIATES, INC.

Mr. Carter made a video presentation on proposed Resolution R01-190 to approve a special use permit for the operation of a parking facility in connection with a limousine service as a home occupation at 100 Douglas Drive. He explained that after consideration, the staff and the Planning Commission both recommended denial of the application.

Mr. Zaremba noted from the video that the limousines were not visible, and he asked where they were now stored.

Mr. Carter stated he did not know the whereabouts of the limousines since court action was taken to have them removed.

Mr. Shepperd asked about the renewal of the permit in two years.

Mr. Carter stated there was a limitation on the non-resident, employee aspect of two years and that was the maximum prescribed by the ordinance. The other aspect that the applicant is requesting, operating the limousines without non-resident employees, can be unlimited in terms of time unless the Board chooses to put a time limit on it.

Discussion followed

Mr. Shepperd stated he felt it was important that a petition signed by approximately 120 neighboring residents had been submitted in support of the applicant.

Mr. Carter stated that staff's conclusion was that the request was inconsistent with the residential character of the neighborhood.

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Chairman Burgett asked if the applicant, by right, was allowed to have two limousines at his house at any time.

Mr. Carter explained that the applicant wanted four limousines, and he wanted the ability to have non-resident employees involved in driving those limousines. He explained that having two as part of the home occupation is not without restriction, and he explained some of the limitations.

Mr. Joseph Osamwonyi, the applicant, expressed his desire to obtain a Special Use Permit and re-establish his home-based limousine business. He voiced his concerns and stated his reasons why he should be allowed to operate his business as he did from 1996 to 2001. He stated he felt he had been greatly harmed by the actions of York County officials, and he encouraged the Board to support his application.

Chairman Burgett called to order a public hearing on Application No. UP-583-01 which was duly advertised as required by law. Proposed Resolution R01-190 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHOR-
IZE THE OPERATION OF A LIMOUSINE SERVICE AS A HOME OC-
CUPATION AT 100 DOUGLAS DRIVE

Ms. Princess Chapman Patterson, 1227 Penniman Road, stated she felt that Mr. Osamwonyi was entitled to have a business like any other American. She expressed her displeasure with some of the unsightly surroundings in the Carver Gardens area such as tractor-trailers, a water storage facility, and a warehouse.

Ms. Eleanor Osamwonyi, 100 Douglas Drive, stated the situation with the business had been a nightmare. She explained she and her husband were trying to make a living and felt they should not be denied that opportunity. She cited examples of traffic and noise in the area given the County's concern that the applicant's business generated too much noise and traffic. She felt like they could not get any justice before the Board.

Miss A. Osamwonyi, 100 Douglas Drive, nine year old daughter of the applicant, stated her parents had taught her to work hard and obey the laws. Her father told her that when she grew up she could operate the limousine business. She stated her father was very stressed at what York County has done to him for almost two years now. She asked why the County had driven her father out of business

Mr. Alexis Vaughan, Smithfield, Virginia, appeared in support of the applicant. He stated he was a very hard working man who believed in the American dream who put his heart and soul into the limousine business. He felt the applicant's business was an enhancement to Williamsburg. He felt what the County was doing to the applicant was a travesty.

Mr. Larry Parker, Hampton, Virginia, stated he has known the applicant for many years, and he was a hard working individual who never broke laws or would do anything to cause a problem in the area. He highly supported what Mr. Osamwonyi was trying to do, and he encouraged the Board to also support him.

Mr. Randall Martin, Williamsburg, spoke in support of the applicant, asking the Board to consider Mr. Osamwonyi's application.

Mr. Ron Jackson, 111 Jackson Street, James City County, stated his office was adjacent to the applicant's business, and that the parking spaces in the lot are too small to accommodate the limousines. He expressed his support of the limousine business, and he strongly urged the Board to give the applicant an opportunity to re-establish the business.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll stated she had been acquainted with the applicant for a while, and she appreciated his effort to teach his daughter to obey the law. She explained that government was about the law so that all citizens have equal representation, equal opportunity, and equal protection under the law. She suggested that the applicant could re-establish his business with two limousines; and as his business grows, he could then move to another area. Mrs. Noll stated she didn't feel that Carver Gardens should have a large, commercial enterprise at the entranceway to the development.

Mr. Shepperd stated he had told the applicant when he was on the Planning Commission that he was not comfortable with the proposal itself, and he felt uncomfortable with the idea of a lot of cars on a small piece of property in a residential area. He noted the petition indicated the residents encouraged the applicant to conduct his business, and it carried a lot of meaning for him. Mr. Shepperd stated he felt the applicant should be allowed to conduct his business.

Mr. Zaremba stated the Board has an obligation to abide by the law, regardless of whether it is a federal, state or County ordinance. He stated in 1996 an agreement was signed between the applicant and the County which allowed the applicant to conduct his business out of his home, and he agreed to abide by certain requirements and limitations. Mr. Zaremba reiterated that the applicant had six years to recognize that his business was growing, and he should have tried to negotiate a change. He explained that Carver Gardens was zoned residential and not zoned for commercial uses. He stated his vote would be no on the application.

Mr. Wiggins stated he felt the proposal was not a good arrangement for the neighborhood and that the applicant should make other arrangements to park the vehicles in another spot. He stated he was opposed to the application.

Chairman Burgett stated there wasn't a single neighborhood in the County where four limousines were allowed. He explained Carver Gardens was zoned residential, and that wouldn't change. Chairman Burgett stated he didn't feel like the applicant was being denied any due process.

Mrs. Noll then moved to deny the application:

On roll call the vote was:

Yea:	(4)	Zaremba, Noll, Wiggins, Burgett
Nay:	(1)	Shepperd

APPLICATION NO. UP-584-01, ROBERT AND SHERI MANN

Mr. Carter made a video presentation on Application No. UP-584-01 to authorize the expansion of an existing accessory structure in conjunction with a single-family dwelling, for the purpose of operating a bed and breakfast establishment. He stated the Planning Commission considered

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the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-191.

Mr. Zaremba asked how the County could ensure that the applicant's use of the property would be consistent with the intended use.

Mr. Carter explained the Zoning and Code Enforcement staff routinely visited properties that have use permits. He stated it would be difficult from the outward appearance to determine if the property was in compliance with the special use permit, but the County also depends on neighborhood input to enforce the code.

Ms. Sheri Mann, the applicant, appeared to answer any questions the Board might have. She explained there is ample parking for no more than two visitors at one time.

Chairman Burgett then called to order a public hearing on Application No. UP-584-01 which was duly advertised as required by law. Proposed Resolution R01-191 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHOR-
IZE A BED AND BREAKFAST INN AT 121 LAFAYETTE ROAD

Mr. Robert Mann, 121 Lafayette Road, stated that Greg Brezinski had designed the plans for the bed and breakfast which included the Dutch/Colonial style of the building. He explained the building materials would be the same as on their residence.

Ms. April Cornick, 125 Lafayette Road, appeared in support of the applicant and welcomed the bed and breakfast to the neighborhood. She felt the attraction would invite visitors to the Yorktown area.

Mr. Jim Orband, 102 Cornwallis Road, spoke in opposition to the applicant's request. He stated he felt the bed and breakfast would have a negative impact on the neighborhood, and it would be the introduction of a business into a residential neighborhood. He stated he had restored his 1927 home and was concerned that the bed and breakfast will devalue his home. He cited problems with a bed and breakfast in a residential area.

Mr. Gary Freeman, 120 Ballard Street, spoke in favor of the applicant, stating it was consistent with the plans for the historic area. He stated he felt it would be an enhancement to the community.

Mr. Wendell Ayers, 122 Lafayette Road, spoke neither in favor of nor against the proposal, but stated being directly across the street from the applicant he could not see where there would be a significant impact on his property or to the traffic on the street.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Wiggins stated he had a letter from a citizen who had spoken at the Planning Commission which stated he was very opposed to the application. He stated the neighborhood was not a part of the historical district and not a part of the historical plan. He stated he was totally opposed to it.

Mr. Zaremba stated he was concerned about the precedent-setting nature of the proposal, and he stated he intended to vote no on the application.

Mrs. Noll reminded the Board they had discussed the idea of allowing people to have a mixed neighborhood with small businesses. She explained this particular type of business would not be obtrusive to the neighborhood. She further explained this was what they had envisioned for the historic village of Yorktown.

Mr. Shepperd stated that the concern of the Planning Commission was that if the bed and breakfast wasn't approved it would not go to an accessory apartment. The Planning Commission was concerned with the impact, although very little negative impact. Mr. Shepperd stated he did not see any problem with the application.

Chairman Burgett compared the definition of hotel with that of a bed and breakfast in a neighborhood, stating the intensity of use in this neighborhood would be increased. He stated he agreed with Mr. Wiggins that the citizens of the neighborhood should not have to be subjected to a bed and breakfast.

Mr. Shepperd then moved the adoption of proposed Resolution R01-191 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHOR-
IZE A BED AND BREAKFAST INN AT 121 LAFAYETTE ROAD

WHEREAS, Robert and Sheri Mann have submitted Application No. UP-584-01, to request a special use permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (category 1, number 6) to authorize the expansion of an existing accessory structure in conjunction with a single-family dwelling, for the purpose of operating a bed and breakfast establishment located at 121 Lafayette Road and further identified as Assessor's Parcel No. 19A-(1)-F-12; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the comments of the public with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that Application No. UP-584-01 be, and it is hereby, approved subject to the following conditions:

1. This use permit shall authorize the expansion of an existing accessory structure in conjunction with a single-family dwelling, for the purpose of operating a two-suite bed and breakfast establishment on property located at 121 Lafayette Road and further identified as Assessor's Parcel No. 19A-(1)-F-12. Rental of rooms shall be limited to overnight guests as opposed to long-term boarders. The owner's living quarters in the principal dwelling shall be the only dwelling unit permitted on the property.

2. The owner/operator of the bed and breakfast establishment shall reside on the premises and maintain the property primarily as a single-family residence with the bed and breakfast operation constituting an accessory use.
3. A site plan and building plans, prepared in accordance with Article V of the York County Zoning Ordinance and the BOCA Building Code and in substantial conformance with the sketch plans and elevations submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Developmental Services prior to the establishment of the bed and breakfast operation. The plan shall describe the interior of the building in sufficient detail to determine compliance with parking, health, and building code requirements. In addition, all existing and proposed off-street parking areas shall be identified and installed according to specifications outlined in Article VI of the York County Zoning Ordinance. No off-site parking provisions will be allowed.
4. One (1) freestanding , non-illuminated sign, not exceeding four (4) square feet in area, shall be permitted to identify the use.
5. The proposed use shall be connected to public water and sanitary sewer service.
6. The maximum occupancy of the bed and breakfast establishment shall be six (6) persons if operated as a two (2) suite facility.
7. Retail sales on the premises shall not be permitted.
8. All conditions listed in Section 24.1-409 of the Zoning Ordinance shall be observed.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea:	(2)	Noll, Shepperd
Nay:	(3)	Zaremba, Wiggins, Burgett

MATTERS PRESENTED BY THE BOARD (continued)

Mr. Wiggins addressed concerns over drainage matters and the severity of drainage in the Edgehill and Burnt Bridge communities. He gave some background on the Edgehill subdivision and its development, to include some reasons why drainage problems exist in that area. He discussed the proposed plan to develop the adjacent King property. He asked that the Board members do what was necessary to see that no further drainage problems were created in these areas. He then listed his drainage recommendations and requested no further drainage problems be imposed on the citizens through further development until the drainage construction plan was put into place.

Chairman Burgett stated he had attended the tenth anniversary of the Senior Center and noted that the center had come a long way from its original location. He also attended the Change of Command Ceremony at Langley Air Force Base. He discussed some of the activities

at the employee picnic on November 3 at Yorktown Elementary School. He reported on the Annual Report that was mailed out, and he commended Gail Whittaker for her work on the report. Chairman Burgett explained that Youth Week was coming up December 3-9 which would focus on the high school students, and he explained some of the events scheduled. He also noted he would be attending the high schools and speaking with students on government matters. Chairman Burgett then wished everyone Happy Thanksgiving.

CONSENT CALENDAR

Mr. Zaremba asked that Item No. 13 be removed from Consent Calendar.

Mr. Zaremba moved that the Consent Calendar be approved as amended, Item Nos. 6, 7, 8, 9, 10, 11, 12, 14, and 15 respectively.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

Thereupon, the following minutes and resolutions were approved:

Item No. 6. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

September 18, 2001, Regular Meeting
September 25, 2001, Adjourned Meeting
October 2, 2001, Regular Meeting
October 9, 2001, Adjourned Meeting
October 16, 2001, Regular Meeting
October 23, 2001, Adjourned Meeting

Item No. 7. REFUND OF TAXES: Resolution R01-202.

November 20, 2001

A RESOLUTION TO AUTHORIZE A TAX REFUND TO A. T. WILLIAMS
OIL COMPANY

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, A. T. Williams Oil Company has made a proper request for a tax refund for taxes previously paid for a business which was sold effective March 31, 2001; and

WHEREAS, the Commissioner of the Revenue, the Treasurer, and the County Attorney have recommended that the request for a tax refund, with interest, be granted in the amount of \$7,475.68;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the Commissioner of the Revenue is authorized to refund to A. T. Williams Oil Company previously paid personal property taxes in the amount of \$6,954.12, together with accrued interest in the amount of \$521.56, for a total refund of \$7,475.68.

Item No. 8. STREET ACCEPTANCES: Resolution R01-193 and R01-194.

Resolution R01-193:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE STREETS IN VICTORY MEAD-
OWS, PHASES ONE AND TWO, INTO THE SECONDARY SYSTEM OF
STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 20th day of November, 2001, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Victory Meadows, Phases One and Two, and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted November 20, 2001

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Victory Meadows, Phases One and Two

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name**Elliott Road, State Route Number 691**

Description: **From:** End of Route 691 (Elliott Road)

To: South to end of cul-de-sac

A distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 04/13/2001, Plat Book 13, Pages 276-278, with a width of 50 ft.

Seth Lane, State Route Number 1472

Description: **From:** Intersection of Route 691 (Elliott Road)

To: West to existing end of Route 1472 (Seth Lane)

A distance of: 0.09 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 03/06/2001, Plat Book 13, Pages 258-261, with a width of 50 ft.

Resolution R01-194:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE STREETS IN WILLOW LAKES, SECTION ONE, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

November 20, 2001

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 20th day of November, 2001, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Willow Lakes, Section One, and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted November 20, 2001

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Willow Lakes, Section One

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Alice Court, State Route Number 1705

Description: **From:** Intersection of Route 1703 (Dorothy Drive)

To: East to end of cul-de-sac

A distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 12/05/2000, Plat Book 13, Page 217, with a width of 40 ft.

Dorothy Drive, State Route Number 1703

Description: **From:** Route 1702 (Holmes Boulevard)

To: West to intersection of Route 1704 (Rollins Way)

A distance of: 0.14 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 12/05/2000, Plat Book 13, Page 217, with a width of 40 ft.

Description: **From:** Intersection of Route 1704 (Rollins Way)

To: North to intersection of Route 1705 (Alice Court)

A distance of: 0.05 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 12/05/2000, Plat Book 13, Page 217, with a width of 40 ft.

Description: **From:** Intersection of 1705 (Alice Court)

To: North to terminus

A distance of: 0.01 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 12/05/2000, Plat Book 13, Page 217, with a width of 40 ft.

Holmes Boulevard, State Route Number 1702

Description: **From:** Route 603 (Wolf Trap Road)

To: Intersection of Route 1703 (Dorothy Drive)

A distance of: 0.03 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 12/05/1997, Plat Book 12, Pages 542-544, with a width of 70 ft.

Description: **From:** Intersection of Route 1703 (Dorothy Drive)

To: Intersection of Route 1704 (Rollins Way)

A distance of: 0.05 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 12/05/1997, Plat Book 12, Pages 542-544, with a width of 50 ft.

Description: **From:** Intersection of 1704 (Rollins Way)

To: Terminus

A distance of: 0.02 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 12/05/1997, Plat Book 12, Pages 542-544, with a width of 50 ft.

Rollins Way (east), State Route Number 1704

Description: **From:** Intersection of Route 1702 (Holmes Boulevard)

To: West to intersection of Route 1703 (Dorothy Drive)

A distance of: 0.12miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 12/05/1997, Plat Book 12, Pages 542-544, with a width of 40 ft.

Rollins Way (west), State Route Number 1704

Description: **From:** Intersection of Route 1703 (Dorothy Drive)

To: West to end of cul-de-sac

A distance of: 0.07miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 12/05/2000, Plat Book 13, Page 217, with a width of 40 ft.

Item No. 9. Public Sewer Extension Agreement: Country Club Acres: Resolution No. R01-192:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S
SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT
KNOWN AS COUNTRY CLUB ACRES, SECTION FIVE, PHASE ONE,
AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC
SEWER EXTENSION AGREEMENT

WHEREAS, Country Club Partners, L.L.C. has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a residential development to be known as the Country Club Acres, Section Five, Phase One; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$28,125.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the Board approves the extension of the County's public sewer system to serve the proposed development, Country Club Acres, Section Five, Phase One, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Country Club Partners, L.L.C. for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 10. PUBLIC SEWER EXTENSION AGREEMENT: YORKTOWN TRACE: Resolution R01-199.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S
SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT
KNOWN AS YORKTOWN TRACE, AND AUTHORIZING EXECUTION
OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, American Eastern, Inc. has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a residential development to be known as Yorktown Trace; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction ac-

tivity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$65,625.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the Board approves the extension of the County's public sewer system to serve the proposed development, Yorktown Trace, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with American Eastern, Inc. for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 11. EMPLOYEES OF THE QUARTER: Resolution R01-195.

A RESOLUTION TO COMMEND BARRY D. HOLLOWAY, LIEUTENANT DEPUTY SHERIFF - LAW ENFORCEMENT, OFFICE OF THE SHERIFF AND JOAO "JOHN" J. GRACA, JR., DEPUTY SHERIFF - LAW ENFORCEMENT, OFFICE OF THE SHERIFF, AS EMPLOYEES OF THE QUARTER

WHEREAS, Lieutenant Holloway has been with the County 21 years, and Deputy Graca has been with the County 9 years; and

WHEREAS, when Carol Miles, a resident of Warsaw, Virginia, received word that her son had been attacked by a shark in Virginia Beach, she immediately began driving towards Norfolk to be with her son; and

WHEREAS, while Ms. Miles was traveling in York County, she became so overcome with emotion she contacted the 911 center for assistance; and

WHEREAS, Deputy Graca responded to the call; and after a brief explanation to his commanding officer, Lieutenant Barry Holloway, Lieutenant Holloway authorized Deputy Graca to drive Ms. Miles to Norfolk Sentara Hospital so that she could be with her son, David, in his last moments; and

WHEREAS, Deputy Graca spent several hours at the hospital comforting Ms. Miles; and upon his return to York County, learning that David had died, he immediately responded back to Sentara hospital to return Ms. Miles to her vehicle; and

WHEREAS, Lieutenant Holloway and Deputy Graca should be commended for their caring and humane actions and their exceptional performance of public service;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that Barry D. Holloway, Lieutenant, Deputy Sheriff - Law Enforcement, and Joao "John" J. Graca, Deputy Sheriff - Law Enforcement, be and they are hereby,

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congratulated upon their selection as Employees of the Quarter for the quarter ended September 30, 2001.

Item No. 12. PURCHASE AUTHORIZATION: Resolution R01-197.

A RESOLUTION TO CONSTRUCT VACUUM SEWER, CONSTRUCT GRAVITY SEWER, UPGRADE ROUTERS AND UPGRADE DOCUMENT IMAGING SYSTEM

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Seaford Vacuum Sewer Replacement Parts	\$ 48,625
Brandywine Sanitary Sewer Project	56,302
Replace/Upgrade Routers	55,000
Upgrade Document Imaging System	104,805

Item No. 14. RENEWAL OF SHELTERING MEMORANDUM OF UNDERSTANDING: Resolution R01-203.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF YORK, THE YORK-POQUOSON DEPARTMENT OF SOCIAL SERVICES, THE PENINSULA HEALTH DISTRICT, THE YORK COUNTY SCHOOL DIVISION, AND THE YORK-POQUOSON AMERICAN RED CROSS OUTLINING RESPONSIBILITIES FOR SHELTERING, MASS CARE, AND HUMAN SERVICES IN THE EVENT OF A NATURAL OR MAN-MADE DISASTER

WHEREAS, York County is subject to natural and man-made emergencies that may require evacuation and sheltering of the public; and

WHEREAS, York County Emergency Operations Plan (EOP) provides a Sheltering, Human Services, Mass Care Annex revised July, 2001 that identifies York-Poquoson Department of Social Services, Peninsula Health District, York County School Division, York-Poquoson American Red Cross and York County's Department of Community Services and Department of Fire and Life Safety as each having a role in emergency sheltering, human services and mass care; and

WHEREAS, each agency, department or organization provided representative participation in the update to the Shelter, Human Services, Mass Care Annex to the EOP; and

WHEREAS, the participating agencies, departments and organizations have collaborated to develop a memorandum of understanding outlining the cooperation and coordination efforts, as well as roles and responsibilities necessary to provide shelters, human services, and mass care needs in the event of a natural or man-made disaster;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the County Administrator be, and he hereby is, authorized to execute a Memorandum of Understanding between the County of York, York-Poquoson Department of Social Services, Peninsula Health District, York County School Division, and York-Poquoson American Red Cross for sheltering, human services, and mass care in the event of natural or man-made disasters as outlined in the County Administrator's memorandum dated November 6, 2001, and approved as to form by the County Attorney.

Item No. 15. MUTUAL AID AGREEMENTS FOR FIRE AND RESCUE SERVICES: Resolution R01-205 and Resolution R01-206.

Resolution R01-205:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A MUTUAL AID AGREEMENT FOR FIRE AND RESCUE
SERVICES BETWEEN LANGLEY AIR FORCE BASE AND YORK
COUNTY, VIRGINIA

WHEREAS, natural and man-made emergencies occurring on the Langley Air Force Base and/or the Bethel Manor housing area or in York County, Virginia, have the potential to require that the jurisdiction seek additional fire and rescue services beyond those immediately available within its own fire and rescue agency; and

WHEREAS, intergovernmental coordination is essential in managing these emergencies; and

WHEREAS, Langley Air Force Base and York County, Virginia, have fire and rescue equipment and personnel which could be beneficial in providing mutual aid assistance to each other during such incidents; and

WHEREAS, any such request for fire and rescue services would be made under the terms of a mutual aid agreement, and would be predicated on the availability of the services requested; and

WHEREAS, such an agreement for mutual aid fire and rescue services would benefit both Langley Air Force Base and York County, Virginia;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the County Administrator is hereby authorized, for and on behalf of the County to execute an Agreement for Fire and Rescue Services between Langley Air Force Base and York County as outlined in the County Administrator's memorandum to the Board dated November 6, 2001, and approved as to form by the County Attorney.

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WHEREAS, York County is subject to natural and man-made emergencies that may require evacuation and sheltering of the public; and

WHEREAS, York County Emergency Operations Plan (EOP) provides a Sheltering, Human Services, Mass Care Annex revised July, 2001 that identifies York-Poquoson Department of Social Services, Peninsula Health District, York County School Division, York-Poquoson American Red Cross and York County's Department of Community Services and Department of Fire and Life Safety as each having a role in emergency sheltering, human services and mass care; and

WHEREAS, each agency, department or organization provided representative participation in the update to the Shelter, Human Services, Mass Care Annex to the EOP; and

WHEREAS, the participating agencies, departments and organizations have collaborated to develop a memorandum of understanding outlining the cooperation and coordination efforts, as well as roles and responsibilities necessary to provide shelters, human services, and mass care needs in the event of a natural or man-made disaster;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the County Administrator be, and he hereby is, authorized to execute a Memorandum of Understanding between the County of York, York-Poquoson Department of Social Services, Peninsula Health District, York County School Division, and York-Poquoson American Red Cross for sheltering, human services, and mass care in the event of natural or man-made disasters as outlined in the County Administrator's memorandum dated November 6, 2001, and approved as to form by the County Attorney.

Resolution R01-206:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A MUTUAL AID AGREEMENT FOR FIRE AND RESCUE
SERVICES BETWEEN THE UNITED STATES ARMY TRANSPORTA-
TION CENTER AND FORT EUSTIS AND YORK COUNTY, VIRGINIA

WHEREAS, natural and man-made emergencies occurring on the United States Army Transportation Center and Fort Eustis or in York County, Virginia, have the potential to require that the jurisdiction seek additional fire and rescue services beyond those immediately available within its own fire and rescue agency; and

WHEREAS, intergovernmental coordination is essential in managing these emergencies; and

WHEREAS, United States Army Transportation Center and Fort Eustis and York County, Virginia, have fire and rescue equipment and personnel which could be beneficial in providing mutual aid assistance to each other during such incidents; and

WHEREAS, any such request for fire and rescue services would be made under the terms of a mutual aid agreement, and would be predicated on the availability of the services requested; and

WHEREAS, such an agreement for mutual aid fire and rescue services would benefit both the United States Army Transportation Center and Fort Eustis and York County, Virginia;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the County Administrator is hereby authorized, for and on behalf of the County to execute an Agreement for Fire and Rescue Services between the United States Army Transportation Center and Fort Eustis and York County as outlined in the County Administrator's memorandum to the Board dated November 6, 2001, and approved as to form by the County Attorney.

Item No. 13. DARE HEIGHTS SANITARY SEWER PROJECT: Proposed Resolution R01-204 (Removed from the Consent Calendar)

Mr. Zaremba asked for some explanation as to the cost of the project and the difference in the projected figures.

Mr. McReynolds explained the total cost of the project was approximately \$1.8 million. He further explained it was initially \$1.2 million, and an additional \$710,000 was needed.

Mr. Zaremba noted that the lowest bid by Precon Construction was only \$1.24 million dollars.

Mr. McReynolds explained that this bid was only for the construction itself, not including the architectural and design work, cost of easements, or other costs associated with and necessary to prepare for the construction.

Mr. Brian Woodward, Chief of Utilities and Stormwater, explained that Precon's bid is just for the gravity lines themselves. He further explained that to approve the contract to Precon, an additional appropriation of \$300,000 plus is needed. Instead of coming back to the Board to ask for an additional appropriation later, staff rolled into the estimate for the stations for a one-time additional appropriation of \$710,000 to cover the cost of the gravity construction and the cost of the two stations that need to be built to support this project.

Mr. Zaremba stated he did not feel that information was laid out in the memo to the Board.

Mr. Shepperd agreed with Mr. Zaremba that the item was not clear, and he was not sure what he would be voting on.

Mr. McReynolds explained this was an attempt to tell the Board what the total over-budget was at this time and not have to bring it before the Board in two parts. He explained that the entire project would need \$710,000 more. Once the bids on the lift stations were received, staff will provide a resolution for the Board to approve them as well.

Mr. Zaremba then moved the adoption of proposed Resolution R01-204 which reads:

A RESOLUTION TO APPROVE THE EXECUTION OF A CONTRACT
WITH PRECON CONSTRUCTION COMPANY FOR THE CON-
STRUCTION OF THE DARE HEIGHTS SANITARY SEWER PROJECT
AND TO APPROPRIATE AN ADDITIONAL \$710,000 FROM FUND 74
- WATER AND SEWER EXTENSION FUND

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

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WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with; and

WHEREAS, to fully fund the Dare Heights Sewer Project an additional funding of \$710,000 in Fund 74 - Water and Sewer Extension Fund, is required by the Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that additional funding totaling \$710,000 be, and is hereby, appropriated in Fund 74 - Water and Sewer Extension Fund, for the Dare Heights Sewer Project.

BE IT FURTHER RESOLVED that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Dare Heights Sanitary Sewer Project	\$ 1,242,423

On roll call the vote was:

Yea: (4)	Wiggins, Shepperd, Noll, Burgett
Nay: (1)	Zaremba

NEW BUSINESS

SUPPORT FOR THE RELOCATION OF A NATIONAL BASKETBALL TEAM

Mr. McReynolds made a presentation on proposed Resolution R01-209 to express the support of the Board of Supervisors to encourage the Charlotte Hornets Basketball Team to relocate to the Hampton Roads area. He explained it was a request of the Hampton Roads Partnership asking that various jurisdictions in the region adopt such a resolution. He stated this was not a request for financial support, but only for a general vote of support for the Hornets to relocate to Hampton Roads.

Mr. Wiggins felt it was a great thing to give the Board's support, but he also felt he did not want to allocate any money for such a relocation.

Mr. Zaremba stated there had been other attempts to bring professional sports to the Hampton Roads area, and he was concerned with costs associated with any sports team relocation and the possibility of future requests for funding of such a team.

Mrs. Noll stated she felt the issue was more of a quality of life issue, and not one of economic benefit.

Mrs. Noll then moved the adoption of proposed Resolution R01-209 which reads:

A RESOLUTION TO EXPRESS THE SUPPORT OF THE YORK
COUNTY BOARD OF SUPERVISORS TO ENCOURAGE THE CHAR-
LOTTE HORNETS BASKETBALL TEAM TO RELOCATE TO THE
HAMPTON ROADS REGION

BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that it does hereby support and endorse the effort to attract a National Basketball Association team, the Charlotte Hornets, to the Hampton Roads region, and does hereby encourage its citizens and the business community of the region to do likewise.

On roll call the vote was:

Yea:	(4)	Shepperd, Noll, Wiggins, Burgett
Nay:	(1)	Zaremba

WETLANDS INTERPRETIVE AND EDUCATION CENTER LAND ACQUISITION

Mrs. Anne B. Smith, Director of Community Services, made a presentation of proposed Resolution R01-198 to authorize the purchase of approximately 3.08 acres located adjacent to Charles E. Brown park for the purpose of developing a wetlands Interpretive Educational Center.

Mr. Shepperd then moved the adoption of proposed Resolution R01-198 which reads:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF APPROXIMATELY 3.08 ACRES LOCATED ADJACENT TO CHARLES E. BROWN PARK, YORK COUNTY

WHEREAS, Virginia G. Smith ("the owner"), is the owner of record of two parcels of land consisting of approximately 3.08 acres total and located adjacent to Charles E. Brown Park in York County, further identified as York County Tax Map parcels 017-75 (located at 210 Maple Road) and as Tax Map number 017-71 (which is adjacent to Parcel 017-75) (hereinafter "the property"); and

WHEREAS, the owner has offered to sell the property to the County for a purchase price of \$23,000 and has tendered to this Board an Agreement For Purchase and Sale of Real Estate dated September 26, 1997 ("the agreement"), which is made a part of this resolution by reference; and

WHEREAS, the Board recognizes the benefit that will accrue to the County and to the community by acquiring this property and developing a Wetlands Interpretive Educational Center, thereby discharging any remaining obligations to the Army Corps of Engineers for wetlands mitigation for the Tabb Library; improving area drainage; and in partnership with educational and community groups, creating new wetlands that will preserve a portion of York County's heritage and provide a site for both learning and enjoyment; and

WHEREAS, it is the desire of this Board to purchase the property on the terms and conditions demanded by the owners and to provide an amount not to exceed \$25,000 of which \$23,000 is for the purchase with the balance used to fund recordation fees, surveys, assessments, and other such costs as may be associated with the closing;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the County Administrator is hereby authorized to purchase the property as referenced above and to take title in the name of the County, and, in connection with the purchase, to execute the agreement on behalf of the Board, and thereafter to proceed to settlement and perform those terms and conditions required to be performed by the County under the terms of the agreement.

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BE IT FURTHER RESOLVED that the County Administrator is expressly authorized to purchase title insurance protecting the County's title to the property, and generally to do such acts as are necessary and customary with respect to the acquisition of real estate.

BE IT STILL FURTHER RESOLVED that an amount not to exceed \$25,000 be, and is hereby, appropriated in Fund 10-General Fund from the unobligated fund balance for the purpose of acquiring real property as described above.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

PROPOSED 2002 LEGISLATIVE PROGRAM

Mr. Barnett made a presentation on proposed Resolution R01-185 to approve the 2002 Legislative Program. He elaborated on one of the changes which was the order of the items, and he stated the order reflected the priority of the recommendations. He also suggested that some of the language in the Legislative Program be deleted since the report from the 371 Committee was not included.

Mr. Zaremba stated that this package was more voluminous than the previous years, and the Board was showering the legislators with many requests. He stated the Board was scheduled to meet in early December with the legislators before they go up to Richmond. The Board never has any feedback from the state senators or delegates in terms of what the County is doing wrong. He suggested that the Board could meet with those same legislators after their session in Richmond to see how things can be improved and receive their comments and their critique of the hard work that we do to put the package together.

Mrs. Noll stated that when the Board meets at the legislative breakfast she feels that the senators and delegates have been up front with the Board telling them what the landscape is going to look like for that particular session and whether or not any of the County's requests have a chance. She stated she felt the legislators have been pretty honest in that regard.

Mr. Wiggins stated last year they informed the Board straight up that the only thing the County would probably get would be the only thing that wouldn't cost them money, and that was the item concerning the Criminal Justice Board. He stated he did not have much confidence in getting anything done in Richmond.

Mr. Shepperd stated he felt if the Board wanted an effect on something of value it would have to set its priorities. He suggested that perhaps several of the Board members could visit Richmond and let the General Assembly know what the Board feels is important.

Chairman Burgett stated that was why the list was prioritized.

Mrs. Noll then moved the adoption of proposed Resolution R01-185 which reads:

A RESOLUTION APPROVING THE COUNTY'S 2002 LEGISLATIVE
PROGRAM

WHEREAS, because of the applicability of Dillon's Rule in Virginia, York County is dependent upon the General Assembly to adopt specific enabling legislation in many instances in order to enable the County to provide efficient and effective services and government to its citizens; and

WHEREAS, the County has developed a Legislative Program for the consideration of the 2002 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program, and believes that it is in the best interests of the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that this Board hereby approves the County's 2002 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that copies of this Resolution and the County's 2002 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

APPLICATION NO. YVA-10-YORKTOWN VILLAGE ACTIVITY DISTRICT-STRUCTURAL ADDITION:
MARL INN BED AND BREAKFAST

Mr. Carter made a presentation on proposed Resolution R01-208 to approve a request for the placement of an accessory storage shed on property located at 220 Church Street in Yorktown.

Mr. Zaremba then moved the adoption of proposed Resolution R01-208 which reads:

A RESOLUTION TO APPROVE THE REQUEST OF SELDON PLUMLEY FOR THE PLACEMENT OF AN ACCESSORY STORAGE SHED ON PROPERTY LOCATED AT 220 CHURCH STREET IN YORKTOWN

WHEREAS, Mr. Seldon Plumley has submitted an application requesting permission to install an accessory storage shed attached to the principal structure (Marl Inn Bed and Breakfast) located on property located at 220 Church Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution; and

WHEREAS, the Board has determined that the location and design of the proposed shed will be compatible with adjacent properties and structures;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, that the request of Mr. Seldon Plumley for the installation of an accessory storage shed on property located at 220 Church Street, as described in the County Administrator's report to the Board dated November 5, 2001, be, and it is hereby, approved.

November 20, 2001

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

CLOSED MEETING. At 10:43 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(A)(1) of the Code of Virginia pertaining personnel matter involving the resignation of a specific public appointee; Section 2.2-3711 (A)(3) pertaining to the acquisition of real property for a public purpose; Section 2.2-3711 (A)(7) pertaining to consultation with legal counsel on a specific legal matter requiring provision of legal advice by counsel.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Reconvened. At 11:00 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of November, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

Meeting Adjourned. At 11:20 p.m. Mrs. Noll declared the meeting adjourned to 6:00 p.m., Tuesday, November 27, 2001, in the Library, Grafton High/Middle School, for the purpose of conducting a joint meeting with the York County School Board.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors